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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,214	01/20/2004	Francis Mark Weiser	5389	6430
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SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910			EXAMINER MATTHEWS, TERRELL HOWARD	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,214	<b>Applicant(s)</b> WEISER ET AL.	
	<b>Examiner</b> Terrell H. Matthews	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/23/2005</u> .                                                          | 6) <input type="checkbox"/> Other: _____                                    |

### **FINAL REJECTION**

Applicant's arguments filed 11/29/2005 have been fully considered but they are not persuasive for reasons as detailed below.

The prior art rejections are maintained or modified as follows:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7,9-12 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Michael (6208910) .

Referring to claim 1. Michael discloses a system for determining the location of a mail piece. See Figs. 1-4 and respective portions of the specification. The system comprising: a code identifier (14), a facer/canceller, a sorter (20), a reader (26), a mail tray (22), a communication module (34), and a central database (28). It is understood from Fig. 1 that the sender applies a code identifier (14) to the mail piece (10) and that the reader (26) reads the code and sends it to the sorter (20), which sorts the mail piece (10) into the appropriate mail tray (22).

If applicant disagrees that Michael does not teach the sender handling unit which "applies imprints to items", then it is noted that the code identifier (14) must be applied somehow to the mail pieces. Further, Michael states that the code identifier (14) can be a label (see col. 2, lines 35-45). Therefore, the label would have to be affixed to the mail piece somehow. Also, the code identifier is essential for the device to determine where to send the mail piece. It would have been obvious to a person of ordinary skill in the art to add a sender handling unit to the system of Michael so to affix the code identifier to the mail pieces, so that the system had a way to determine where to send the mail piece.

Referring to claim 7. Michael discloses a code identifier in col. 2 lines 36-38 and a reader in col. 2 lines 63-64. It is understood that the reader (26) is capable of reading the code (14) or item characteristic identifier placed on the mail piece (10) to determine which mail tray the piece is sorted into.

Referring to claims 9-10. Michael discloses that the reader (26) reads each mail piece (10) prior to insertion into the mail tray (22). It is understood from Fig. 1 that the

mail piece (10) travels to the reader (26) and then is sorted into mail tray (22) by the sorter (20). The sorter determines each mail pieces respective mail tray according to its code (14). It is also understood that the item characteristic is electronically communicated to the reader (26) via the code identifier (14) and then to the sorter (20) as described in col. 2 lines 50-51, 58-61.

Referring to claim 11. Michael discloses in col. 2 lines 37-42 that the code identifier is a bar code but can also be an active device like a radio frequency label or infrared smart card label.

Referring to claim 12. Michael discloses in col.1 lines 25-27 that his patent refers to a method and system for determining the location of a mail piece.

Claims 13, 19, 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Michael.

Referring to claim 13. Michael discloses in his invention the system and method for determining the location of a mail piece, which is inclusive of a code identifier (14), a sorter (20), a reader (26), a mail tray (22), a communication module (34), and a central database (28) (See col. 1 lines 25-27). It is inherently understood from Fig. 1 that the sender applies a code identifier (14) to the mail piece (10) and that the reader (26) reads the code and sends it to the sorter (20), which sorts the mail piece (10) into the appropriate mail tray (22).

Referring to claim 19. Michael discloses the method of locating a piece of mail by using a code identifier (14) (See col. 2 lines 36-38) and a reader (26) (See col. 2 lines 63-64).

Referring to claims 21-22. Michael discloses the method of electronically communicating an assigned characteristic to the receiver. It is understood from Fig. 1 that the mail piece (10) travels to the reader (26) and then is sorted into mail tray (22) by the sorter (20). The sorter determines each mail pieces respective mail tray according to the code identifier (14). It is also understood that the characteristic electronically communicated by the reader (26) via the code identifier (14) to the sorter (20) is the zip code, which determines the mail tray (22) the items are placed in. (See col. 2 lines 50-51,58-61).

Referring to claim 23. Michael discloses the method of locating a piece of mail by using a code identifier such as a bar code. (See col. 2 lines 37-39).

Referring to claim 24. Michael discloses that his invention is for the system and method of locating mail pieces in. (See col. 1 lines 25-27).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Ogihara.(6880753)

Referring to claim 2. Michael discloses the system and method for determining the location of a mail piece as described above. See Figs. 1-4 and respective portions of the specification. Michael does not expressly disclose the sorting identifier comprising a sender identifier that identifies the sender of the respective item. Ogihara discloses a tag (17) that includes a memory device (62) and a transmitter (64) in which the memory device includes an identifier field (70) in col. 4 lines 17-19,34. It should be noted that the identifier field (70) identifies the sender of the respective item as recited in claim 2. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system of Michael to include the memory device and transmitter as taught by Ogihara to assist in tracking the path of the item and to easily identify where the package originated from.

Referring to claim 3. Michael discloses the invention as described above. Michael does not disclose a system where each sender is assigned a level of security such that the items are sorted into groups in accordance with their security level, as cited in claim 3. Ogihara discloses a distribution and management system however, in which the tag ID on the product is read and sent to the product distribution management center and in turn the management center (130) transmits security information in the database (132) associated with the tag ID to the evaluation site (140) in col. 8 lines 50-56. Ogihara further discloses that information associated with the tag ID and the manufacturer that

was issued the tag is obtained from the tag management database and that the evaluation site (140) evaluates the genuineness of the product in col. 8 lines 56-61. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Michaels system to include the tag ID for transmitting security information on the sender and product so that the items could be sorted based on the security criteria they met.

Referring to claim 14. Michael discloses the system and method for determining the location of a mail piece as described above. See Figs. 1-4 and respective portions of the specification. Michael does not expressly disclose the sorting identifier comprising a sender identifier that identifies the sender of the respective item. Ogihara discloses a tag (17) that includes a memory device (62) and a transmitter (64) in which the memory device includes an identifier field (70) in col. 4 lines 17-19, 34. It should be noted that the identifier field (70) identifies the sender of the respective item as recited in claim 14. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the system of Michael to have included the teachings of Ogihara to assist in tracking the path of the item and to easily identify where the package came from.

Referring to claim 15. Michael discloses the invention as described above. Michael does not disclose a system where each sender is assigned a level of security such that the items are sorted into groups in accordance with their security level, as cited in claim 15. Ogihara discloses a distribution and management system however, in which the tag ID on the product is read and sent to the product distribution management



center and in turn the management center (130) transmits security information in the database (132) associated with the tag ID to the evaluation site (140) in col. 8 lines 50-56. Ogihara further discloses that information associated with the tag ID and the manufacturer that was issued the tag is obtained from the tag management database and that the evaluation site (140) evaluates the genuineness of the product in col. 8 lines 56-61. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Michaels system to include the teachings of Ogihara to include transmitting security information kept in the database (132) on the sender and product so that the items could be sorted based on the security criteria they met.

Claim 5,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael.

Referring to claim 5. Michael discloses the invention as described above. Michael does not disclose a sorting identifier comprising a security identifier, which assigns a level of security to each item. However, Michael does disclose in col. 4. line 23 that the indicia (54), which is attached to the mail piece (10) contains a security code (59). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the security code could be embedded in the code identifier (14) and that the items could be sorted based on the security level of each item so that items with varying levels of security could be shipped differently.

Referring to claim 17. Michael discloses the invention as described above.

Michael does not disclose a sorting identifier comprising a security identifier, which assigns a level of security to each item. However, Michael does disclose in col. 4. line 23, that the indicia (54), which is attached to the mail piece (10) contains a security code (59). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the security code could be embedded in the code identifier (14) and that the items could be sorted based on the security level of each item so that items with varying levels of security could be shipped differently.

Claims 4,6,8,16,18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Furka. (0133528)

Referring to claim 4. Michael discloses the invention as described above. Michael does not disclose a system where each sender is assigned an urgency level such that items are sorted into groups in accordance with their urgency level. Furka discloses a manifest delivery system as claimed. See Figs. 1-3 and respective portions of the specification. Furka discloses in section [0009] a system and method of delivering mail pieces comprising of determining whether or not the mail piece requires urgent delivery and determining a weight of the mail piece. Furka teaches that a bar code could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on reading identifying indicia a manifest is created with information related to the shipment, such as delivery service. It can be broadly construed that delivery service

refers to speed of delivery. It is inherently understood from the Figs and respective portions of the specification that Furkas system reads the identifying indicia and sorts the items according to the delivery charges, which incorporate speed of delivery. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Michaels system to include the bar code of Furka, which identifies delivery speed so that items could be sorted in regards to there delivery urgency.

Referring to claim 6. Michael discloses the invention as described above. Michael does not disclose a sorting identifier comprising an urgency identifier that assigns a level of urgency to the each item so that items can be sorted according to their urgency level. Furka discloses a manifest delivery system as claimed. See Figs. 1-3 and respective portions of the specification. Furka discloses in section [0009] a system and method of delivering mail pieces comprising of determining whether or not the mail piece requires urgent delivery and determining a weight of the mail piece. Furka teaches that a bar code could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on identifying indicia a manifest is created with information related to the shipment, such as delivery service. It can be broadly construed that delivery service refers to speed of delivery. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Michaels system to include the teachings of Furka and assign an urgency level to items so that items could be sorted in regards to there delivery urgency.

Referring to claim 8. Michael discloses the invention as described above. Michael does not disclose the item characteristic comprising of at least one physical characteristic. Furka discloses in section [0009] however, a system and method of delivering mail pieces in which the weight is determined. Furka teaches that a bar code could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on identifying indicia a manifest is created that comprises of information relating to the shipment, such as delivery charges. It should be noted that delivery charges are affected by the weight of the item. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Michaels system to include the teachings of Furka so that items could be sorted based on a physical characteristic.

Referring to claim 16. Michael discloses the invention as described above. Michael does not disclose the method of a sorting identifier comprising an urgency identifier that assigns a level of urgency to the each item so that items can be sorted according to their urgency level. Furka discloses a manifest delivery system as claimed. See Figs. 1-3 and respective portions of the specification. Furka discloses in section [0009] a system and method of delivering mail pieces comprising of determining whether or not the mail piece requires urgent delivery and determining a weight of the mail piece. Furka teaches that a bar code could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on identifying indicia a manifest is created with information related to the shipment, such as delivery service. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in

the art to modify Michaels system to include the teachings of Furka and assign an urgency level to items so that items could be sorted in regards to there delivery urgency.

Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Furka.

Referring to claim 18. Michael discloses the invention as described above. Michael does not disclose a sorting identifier comprising an urgency identifier that assigns a level of urgency to the each item so that items can be sorted according to their urgency level. Furka discloses a manifest delivery system as claimed. See Figs. 1-3 and respective portions of the specification. Furka discloses in section [0009] a system and method of delivering mail pieces comprising of determining whether or not the mail piece requires urgent delivery and determining a weight of the mail piece. Furka teaches that a bar code could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on reading identifying indicia a manifest is created with information related to the shipment, such as delivery service. It can be broadly construed that delivery service refers to speed of delivery. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Michaels system to include the teachings of Furka and assign an urgency level to items so that items could be sorted in regards to there delivery urgency.

Referring to claim 20. Michael discloses the invention as described above. Michael does not disclose the item characteristic comprising of at least one physical characteristic. Furka discloses in section [0009] however, a system and method of delivering mail pieces in which the weight is determined. Furka teaches that a bar code

could be used as identifying indicia in section [0005] and later discloses in section [0029] that based on identifying indicia a manifest is created that comprises of information relating to the shipment, such as delivery charges. It should be noted that delivery charges are affected by the weight of the item. Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Michaels system to include the teachings of Furka so that items could be sorted based on a physical characteristic.

### ***Response to Arguments***

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant's focus on the "code identifier" (14), not functioning as a sorting identifier is unconvincing. It should be noted and understood that Michael discloses a system that determines the location of a mail piece that comprises a method in which mail pieces (10) contain code identifiers (14). Michael then further goes on to disclose that his system includes a sorter (20) and that pieces are sorted based on the destination post office of the mail piece into a plurality of mail trays (22) (See Col. 2 l. 35-54). It is therefore understood, that mail pieces (10) are sorted by sorter (20) into mail trays (22) based on the code identifier (14) which determines the destination of the mail piece (10). Additionally, it should be understood that the mail pieces (10) are separated based on a sorting protocol that is dictated by the code identifiers (14) in regards to the zip code and further the mail route, which

determines that mail tray (22) the pieces are placed in. Consequently, as a review of the prior art undermines Applicant's arguments, the claims stand rejected. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Leo U.S. Patent No. 6,576,857 discloses a sorting system that sorts mail with sorting identifier over the course of two sorting cycles.

Barton U.S. Patent No. 5,998,752 discloses a sorting system that relies on the identification of items to be sorted by means of codes.

Pintsov U.S. Patent No. 6,801, 833 discloses a method for maintaining the integrity of mailings inclusive of tags that can contain unique information related to each item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571) 272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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